

United States District Court

NORTHERN DISTRICT OF GEORGIA

JUN 17 2008

ORIGINAL

UNITED STATES OF AMERICA

v

JAMES BARTHOLOMEW HUSKEY

CASE NUMBER 4 08-MJ-21

JAMES N. HATTEN, Clerk
By: *Elizabeth*
Elizabeth Hatten Deputy Clerk

CRIMINAL COMPLAINT

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief On or about November 1, 2007 in Walker County, in the Northern District of Georgia defendant did,

employ, use, persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and did know or have reason to know that such visual depiction would be transported in interstate or foreign commerce by any means, including by computer,

in violation of Title 18 United States Code, Section 2251(a)

I further state that I am a Special Agent with the FBI and that this complaint is based on the following facts

Please see attached affidavit

Continued on the attached sheet and made a part hereof

(X) Yes () No

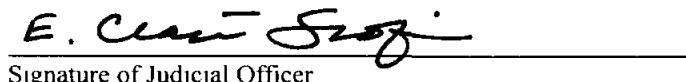


Signature of Complainant
MICHAEL L. YODER

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it Sworn to before me, and subscribed in my presence

June 17, 2008 at Atlanta, Georgia
Date City and State

E CLAYTON SCOFIELD
United States Magistrate Judge
Name and Title of Judicial Officer
AUSA Francay Hakes


Signature of Judicial Officer

AFFIDAVIT

I, Special Agent Michael L. Yoder, being first duly sworn state:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice and have been so employed for nine years. During my employment with the FBI, I have been assigned to several different criminal investigative groups. I am currently assigned to the Cybercrime Squad where my responsibilities include investigating the sexual exploitation of children. I have received training from the FBI in the areas of child pornography, pedophilic behavior, and child molestation. I have been involved in seizures and investigations relating to the illegal distribution of child pornography. I have participated in the execution of search warrants and seized evidence that relates to violations of child pornography/child exploitation statutes. I have participated in investigations in which a computer was used to commit violations involving the sexual exploitation of children, including, but not limited to the following: 18 United States Code, Section 2251 (sexual exploitation of children); Section 2252 (certain activities relating to material involving the sexual exploitation of minors); Sections 1462, 1470 (transmitting obscene material); Section 2421 (interstate transportation of an individual for illegal sexual activity); Section 2422 (inducement and enticement of a minor to travel in interstate commerce to engage in illegal

sexual activity with a person or the inducement and enticement of a minor by use of an interstate facility to engage in illegal sexual activity with a person) and Section 2423 (interstate transportation for the purpose of engaging in illegal sexual activity with a minor). As a Special Agent of the FBI, I have received extensive training investigating various violations of federal statutes at the FBI Academy, Quantico, Virginia.

2. This affidavit is made based upon my belief that there is probable cause to believe that JAMES BARTHOLOMEW HUSKEY, of LaFayette, Georgia, has committed a violation of Title 18, United States Code 2251(a).

3. As a Special Agent of the FBI, I am authorized to investigate the following violation Title 18, United States Code, Sections 2251(a).

4. Title 18, United States Code, Section 2251(a) provides:

Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct may be charged with a crime, if such person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce, including by computer

5. During June, 2006, representatives from the Queensland Police Service, Brisbane, Australia, informed members of the Innocent Images Unit of the FBI of an international child pornography investigation regarding numerous subjects residing in

various countries. Investigation to date suggests that the leader of this group, along with several members of the group, may be located in the United States. The investigation involves a sophisticated and extremely organized group of Internet Usenet¹ newsgroup users involved in the prolific trade/distribution of child pornography. The group employs highly technical and advanced security measures to avoid law enforcement detection. Such techniques include, but are not limited to, password protection to the group's pre-designated newsgroup where they conduct text postings (i.e. chat) with each other, PGP encryption of text and binary files, and the swapping of file extensions which subsequently must be re-swapped in order to successfully download a particular picture or movie file.

6. This investigation is predicated on information obtained from an individual who has been charged criminally in an unrelated child pornography investigation. This individual informed law

¹“Usenet,” also known as Newsgroups, is a service on the Internet which utilizes a network of computers to facilitate the postings of messages in public virtual locations known as “newsgroups.” Usenet began as a simple discussion forum for exchanging text messages, but has grown into a huge distributed file sharing network, where music, software, pictures, and videos can be traded and shared. These files are posted and retrieved from newsgroups by attaching them to newsgroup messages. Usenet hosts more than 150,000 newsgroups that are organized by topic. To use this service, an individual must use a personal computer, called the client, to post a message to a Usenet server. Through the Internet, the server then passes the message on to other servers until it has been replicated on Usenet servers worldwide. Others can then download the message by accessing their respective Usenet server via their personal (client) computers. To participate in a newsgroup, an individual must either access a Usenet server operated by their ISP, or subscribe to a separate Usenet service.

enforcement that he/she was a member of this subject group. This individual identified a newsgroup titled "alt.anonymous.message" as the location where members of the group conduct/upload text postings to communicate with each other. At this same newsgroup location, members inform each other as to the location of where they have uploaded child pornography for members to go to download for their own personal collection. The child pornography binary files, either still pictures or video files, are never uploaded to the newsgroup reserved for text communications between members. The child pornography is uploaded to other innocuous newsgroup locations where members can go to download.

7. The subject of the aforementioned investigation provided investigators with his/her PGP encryption keys which have allowed law enforcement to access, decrypt and monitor all activity/postings associated with the group. To date, investigators have collected extremely valuable and incriminating evidence from various members of the group.

8. The group currently consists of approximately 48 members. There is a defined hierarchy or structure to the group and all members must abide by strictly enforced written security measures and standard operating procedures in order to retain their membership status. To become a member of the group, one must be invited in by an existing member, and must pass a timed written

test to determine their knowledge of child pornography material (e.g. knowledge of the names of various child pornography series; must be able to describe a particular series in question, etc.). The test also serves as a measure to assess whether the interested party could be a law enforcement officer attempting to infiltrate the group. Members of the group are told to never provide their true identities to another member of the group. They are never to communicate with one another using traditional email, chat, Yahoo!, ICQ, or telephone. For the security of the group as a whole, their relationship with other members of the group is strictly cyber in nature. This way, if one of the members of the group is ever arrested by law enforcement, they cannot provide any identifying information to law enforcement on other members of the group.

9. In recent months the group has developed outside contacts in the child pornography industry whereby they make specific requests for the production of new child pornography material. In several instances, it appears the group has been able to order new (unreleased) child pornography movies produced solely for the benefit of the group (i.e. material which has never distributed to the public in other child pornography forums). In addition, the group has recently established an E-gold account, funded by the members of the group, in order to purchase newly released child pornography material from various international producers.

10. Within the Usenet group, the "Tara series" has been transmitted within the enterprise. This series was first seen by law enforcement approximately 2 years ago. The child in the series has been abused for several years, and appears in various photos and videos between the ages of 5 and 9 years old. The most recent images were transmitted to the enterprise during November 2007. The images have become increasingly violent, with the latest images showing the subject wielding a large knife toward the victim. The knife is shown as being pressed against the victim's genitals as well as the victim's face and neck. The victim's composure in the images appears progressively more distressed as well. In various still photos and videos, the child is seen being anally raped with an extremely large sex toy, being forced to perform oral sex on an adult male, and being vaginally raped by an adult male. She is also seen in various locations, including a home bedroom, a hotel room and two different cars.

Background on Attempts to Identify the Victim

11. In January 2008, pictures of "Tara" inside the interior of an automobile were shown to a representative from Dominion Chevrolet-Buick-Pontiac-GMC in Richmond, Virginia. The representative from Dominion believed that the pictures were taken inside a vehicle consistent with a 2003-2005 Pontiac Aztek with exterior paint color Sunburst Orange Metallic. An offline search

was conducted for all registered users of 2003-2005 Pontiak Azteks in Georgia.

12. On June 13, 2007, an analysis was made on a unique painting titled "Inspired Hillsides" that was visible in an image of child pornography with "Tara". A spreadsheet with all sales of the paintings was developed. Some of the paintings were sold to Jameson Inn in Carrollton, Georgia.

13. An analysis of the child pornography videos, including the painting and various fabrics visible therein, indicated that one of the videos, titled "2007 Tara 8yo - gets butt fucked by 14 inch long vibrator - July 21, 2007" was filmed in a Jameson Inn in either Carrollton, Georgia or Lagrange, Georgia. A hotel manager at Jameson Inn in Carrollton, Georgia confirmed that James Bartholomew Huskey, born September 13, 1969 was registered in the hotel on July 21, 2007. Huskey drove a 2000 White van. A check of the last name indicated a 2005 Pontiac Aztek was registered to Sherri Ann Huskey, with an address of 23272 Highway 193, LaFayette, Georgia 30728.

14. An analysis was conducted cross-checking all white males over 200 pounds² who owned a White Chevy Van. James Bartholomew

² In the "Tara" images, the perpetrator of the abuse appears to be a heavy-set man.

Huskey was one who owned a 200 White Chevy van.

15. A Driver's License photograph showed James Bartholomew Huskey as having a close resemblance to the pixilated pictures of the offender in the "Tara" series images.

16. An analysis of a bed spread viewed in some of the child pornography images of the "Tara" series indicated that the bedspread is a product of FingerHut Corporation, an online shopping company. FingerHut Corporation confirmed that products were sent to the address listed for James and Sherri Ann Huskey of 23272 Highway 193, LaFayette, Georgia 30728.

17. An internet check of the names of James Bartholomew Huskey and Sherri Ann Huskey show that Sherri Ann Huskey has a MySpace account. Background interior images on Sherri Ann Huskey's MySpace account match background interior images on the "Tara" series images.

Interview of the Subject

18. On June 16, 2008, agents with the FBI went to the residence of James Bartholomew Huskey. Huskey was placed under arrest and read his Miranda Rights and agreed to waive his rights and answer questions. Huskey also gave consent to search the

residence of 23272 Hwy 193, LaFayette, Georgia 30728. Huskey admitted to sexually molesting a 9 year old child, RH, since she was approximately 6 years old and posting images and videos of her sexual molestation on the internet. Huskey stated that he had several thousand images of RH's molestation and several hundred videos of sexual molestation on an external hard drive connected to his desktop computer. A view of the interior of the house indicated several matches to the background interior images found on the "Tara" series images. Huskey admitted that a red digital camera, found in his bedroom, was used to record the sexual abuse of the child.

19. Pursuant to the consent of Huskey, various computer media were seized.

20. On June 17, 2008, RH was interviewed. She disclosed that Huskey had been sexually abusing her for several years, and had anally raped her within the last day. She described that he recorded her abuse using a red digital camera.

21. For the reasons stated above, I believe JAMES BARTHOLOMEW HUSKEY, has committed a felony offense, in particular that he has violated Title 18, United States Code, Section 2251(a), using a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such abuse, and knowing such

depictions would be transported in interstate or foreign commerce by any means, including by computer.